

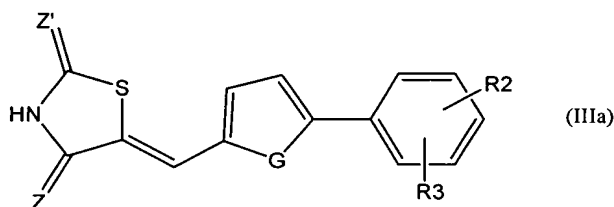
REMARKS

Claims 3, 5, 8, 10, 25-47 and 51-57 have been canceled.

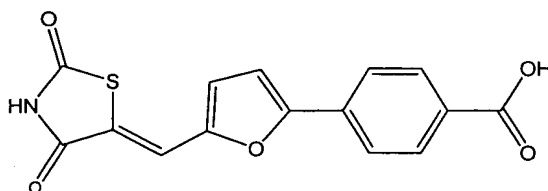
Claims 1, 2, 4, 6, 7, 9, 11-24, 48-50 and 58 are amended to properly recite a method claim. Claims 1, 2, 4 and 9 are also amended to properly recite a Markush group, and to remove possible ambiguity in claim language regarding the nature of substituents on the heterocyclic compound of formula (I). Claim 11 is also amended to properly recite a Markush group. Claim 14 is also amended to delete a preferred embodiment. The preferred embodiment from original claim 14 is being added in new claim 60. Claim 17 is also amended to clarify that the carbon of the carbonyl group is part of the heterocycle ring. Claim 18 is also amended to delete a preferred embodiment. The preferred embodiment from original claim 18 is being added in new claim 61. Claim 19 is also amended to provide for the proper dependence from claim 1. Claim 20 is also amended to delete two preferred embodiments. The preferred embodiments from original claim 14 are being added in new claims 62 and 63. Claim 21 and 22 are also amended to properly recite a Markush group. Claim 23 is also amended to delete a preferred embodiment. The preferred embodiment from original claim 23 is being added in new claim 64. Claim 48 is amended to provide for the proper dependence from claim 1 and to specify that the composition is a cosmetic composition.

Claims 60 - 74 have been added. Claims 60-67 are dependent claims that depend from Claim 1. New dependent claims 60-64 claim subject matter that is being removed by amendment from claims 14, 18, 20, 20 and 23, respectively, in order to place those claims in proper claim language. New dependent claims 60-64 have basis in the various portions of the specification and in original claims 14, 18,

20, 20 and 23, respectively. New dependent claim 65 has basis in page 35, lines 7-14 of the specification. New dependent claims 66 and 67 have basis in page 14 line 23 to page 15 line 6 of the specification. Claim 68 is an independent claim that is analogous to claim 1, except that G is O. Support for claim 68 is found throughout the specification and in original claim 1. Claims 69-74 depend from claim 68. Claim 69 lists the various human keratinous fibers. Support for claim 69 is found on page 1, lines 16-20. Claim 70 limits the human keratinous fibers to hair. Support for claim 70 is also found on page 1, lines 16-20. Claim 71 limits claim 70 to a topical application. Support for this is found on page 27, lines 1-5 and 14-20. Claim 72 limits claim 70 to a family of compound with the structure:



Support for this family of compounds is found on page 23, lines 4-15 of the specification. Claim 73 limits claim 70 to a specific set of compounds, the support for which is found in Compound 1-4 and 6-8 on pages 20-21 of the specification. Claim 74 limits claim 70, from which it depends, to the elected compound:



Support for claim 74 is found in compound 1 on page 20, lines 5-9 of the specification.

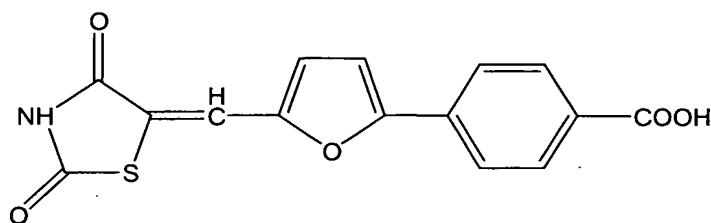
Upon entry of the foregoing amendments, Claims 1, 2, 4, 6, 7, 9, 11-24, 48-50, 58 and 60-74 will be pending in the application.

The following remarks are offered in complete response to the Official Action/Restriction and Election of Species Requirement dated September 28, 2006. In light of these remarks, reconsideration of the requirements and examination of all of the claimed subject matter on the merits are respectfully requested.

Restriction has been required between Group I, Claims 1-24, 48-50, 58 and 59, where G is O in formula (I); Group II, Claims 1-24, 48-50, 58 and 59, where G is S in formula (I); Group III, Claims 1-21, 23, 24, 48-50, 58 and 59, where G is NH in formula (I); Group IV, Claims 25-47 and 51-57, where G is O in formula (I); Group V, Claims 25-47, 51-53 and 55-57, where G is S in formula (I); and Group VI, Claims 25-36 and 38-47, where NH is O in formula (I).

Applicants hereby elect, with traverse, Group I. This requirement is traversed as to Groups I - III only. Claims drawn to Groups IV-VI have been cancelled without prejudice. Applicants reserve the right to pursue the cancelled subject matter in a divisional or other continuing application.

In response to the requirement for election of species, applicants hereby elect, with traverse, the single disclosed species, which is the method employing 4-{5-[(2,4-dioxo-1,3-thiazolidin-5-ylidene)methyl]-2-furyl}benzoic acid, which has the structure given below.



In response to the requirement for election of species within the method, applicants hereby elect, with traverse, the method for inducing, and/or stimulating hair growth, and/or slowing hair loss.

All claims remaining in the application read on elected Group I. Claims 1, 2, 4, 6, 7, 9, 11-19, 21-24, 48-50, 58 and 60-74 read on the method of applying the elected species of compound. Claims 2, 7 and 69-74 read on the elected specific method of use.

The Examiner appears to have made an error in making the restriction requirement with regard to the class/subclass combinations cited. On page 2 of the Office Action, the Examiner indicates that the following groups are classified in the following classes and subclasses:

<u>Group</u>	<u>Formula 1 wherein G is:</u>	<u>Class</u>	<u>Subclass</u>
I	O	514	374+
II	S	514	365+
III	NH	514	385+
IV	O	548	215+
V	S	548	146+
VI	NH	548	311.1+

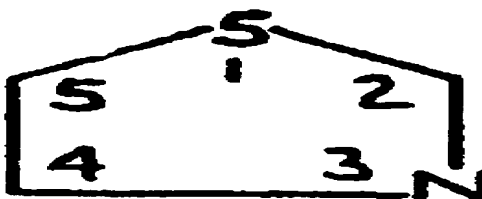
A search of Class 514 on the U.S. Patent and Trademark Office Classification Main Menu at: <http://www.uspto.gov/go/classification/uspc514/sched514.htm> for each of the three cited subclasses resulted in the following information:

**A CLASS DRUG, BIO-AFFECTING AND BODY TREATING
514, COMPOSITIONS****374 1,3-oxazoles (including hydrogenated):**

This subclass is indented under subclass 359. Subject matter wherein the five-membered hetero ring is a 1,3-oxazole ring which includes the following basic ring structure, illustrated below, and may contain a double bond between ring members.

**365 1,2-thiazoles (including hydrogenated):**

This subclass is indented under subclass 359. Subject matter wherein the five-membered hetero ring is a 1,2-thiazole ring which includes the following basic ring structure, as illustrated below, and may contain a double bond between ring members.

**385 1,3-diazoles:**

This subclass is indented under subclass 359. Subject matter wherein the five-membered hetero ring is a 1,3-diazole ring which includes the following basic ring structure, illustrated below, and may contain a double bond between ring members.



None of these subclass appear to encompass the compounds of Groups I-III of the present invention, since the G-containing ring herein contains one heteroatom only.

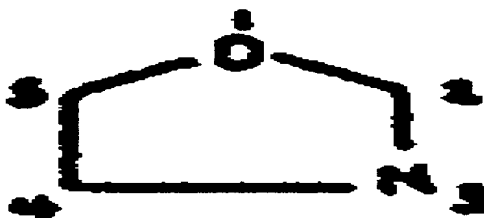
Similarly, a search of Class 548 on the U.S. Patent and Trademark Office Classification Main Menu at: <http://www.uspto.gov/go/classification/uspc548/sched548.htm> for each of the three cited subclasses resulted in the following information:

A CLASS ORGANIC COMPOUNDS -- PART OF THE CLASS 532-570 548, SERIES

P 215 1,3-oxazoles (including hydrogenated)

This subclass is indented under **subclass 100**. Compounds in which the five-membered hetero ring has oxygen in the 1-position, nitrogen in the 3-position, and carbons in the remaining three positions.

(1) Note. This subclass provides for compounds containing the following ring:



P 146 1,3-thiazoles (including hydrogenated)

This subclass is indented under **subclass 100**. Compounds in which the five-membered hetero ring has sulfur in the 1-position, nitrogen in the 3-position, and carbons in the remaining three positions.

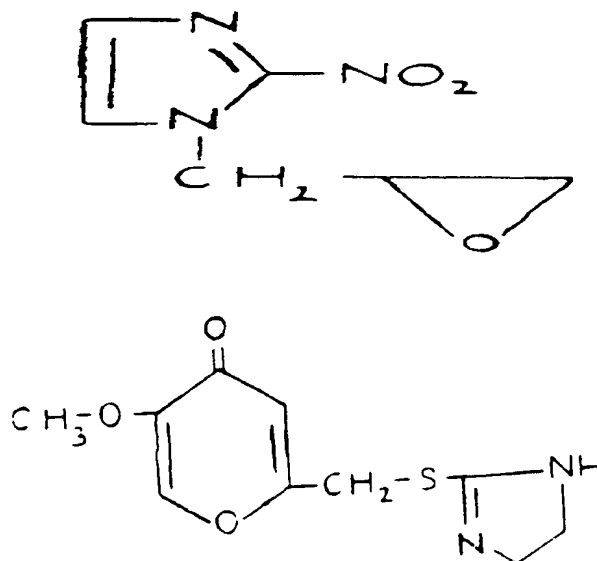
(1) Note. This subclass provides for compounds containing the following ring which may have a double bond between its members:



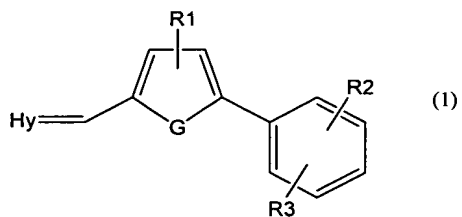
311.1 Additional hetero ring attached directly or indirectly to the diazole ring by nonionic bonding (e.g., 1,3-dioxolan-2-yl methyl-imidazole, etc.)

This subclass is indented under subclass 300.1. Compounds wherein an additional hetero ring is attached directly or indirectly to the diazole ring by nonionic bonding.

(1) Note. This subclass contains, for example:



The Examiner is requested to check if the cited class/subclass combinations cited are appropriate areas for searching for the Applicants invention which is drawn to methods of use and compositions of formula (I):



in which G is O, S or NH.

For proper restriction between patentably distinct inventions: (1) the inventions must be independent or distinct as claimed; and (2) there must be a serious burden on the Examiner if restriction is not required. See M.P.E.P. § 803.

The Examiner takes the position that:

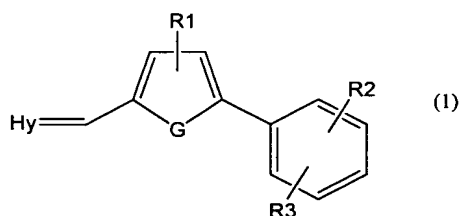
The products of Groups IV-VI differ materially in structure and element so much so as to be patentably distinct. In addition, a reference that anticipates one group may not even render obvious the other.

Inventions of Groups I-III and Group IV-VI are related as product and process of use. ... In the instant case, the process for using the product as claimed can be practiced with another materially different product.

.....

Therefore, it would impose an undue burden on the Examiner and the Patent Office's resources to examine the instant application if unrestricted. (See Official Action at pages 2 and 3.)

The Requirement for Restriction should be withdrawn because it is believed that search and examination of the subject matter of Groups I-III would be substantially coextensive. For example, Group I is drawn to a method of using products of formula (I),



in which G is O.

Groups II and III are drawn to the same method as in Group 1, except that G is S or NH, respectively, instead of O.

Applicants further submit that there would not be a serious burden on the Examiner for the search and examination of the subject matter of Groups I-III. Searches for Groups I-III would involve searching for a method of inducing the growth of keratinous fibers, or stimulating the growth of keratinous fibers, or slowing

the loss of keratinous fibers in a subject in need of same using phenylfurans, phenylthiophene or phenyl-1H-pyrroles. Because of the large overlap in search terms, the substitution of furan with thiophene and 1H-pyrrole would not be a serious burden on the Examiner.

For at least all of these reasons, Applicants respectfully request withdrawal of the Requirement for Restriction with regards to Groups I-III.

In view of the foregoing, reconsideration and withdrawal of the restriction and election requirements and examination of all of the claims on the merits are respectfully requested.

Acknowledgment of the priority claims is also requested.

Respectfully submitted,

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